

1299

No. 3727

1300

United States
Circuit Court of Appeals
For the Ninth Circuit.

THE UNITED STATES OF AMERICA,
Plaintiff in Error,
vs.
OLAF O. HANA,
Defendant in Error.

Transcript of Record.

Upon Writ of Error to the United States District
Court of the Western District of Wash-
ington, Northern Division.

FILED
AUG 21 1931
F. D. MONCKTON
CLERK




United States
Circuit Court of Appeals
For the Ninth Circuit.

THE UNITED STATES OF AMERICA,
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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Names and Addresses of Counsel.

ROBERT C. SAUNDERS, Esq., United States District Attorney, Attorney for Plaintiff in Error,
310 Federal Building, Seattle, Washington.

CHARLOTTE KOLMITZ, Assistant United States District Attorney, Attorney for Plaintiff in Error,

310 Federal Building, Seattle, Washington.

IRA BRONSON, Esq., Attorney for Defendant in Error,

614 Colman Building, Seattle, Washington,

J. S. ROBINSON, Esq., Attorney for Defendant in Error,

614 Colman Building, Seattle, Washington,

H. B. JONES, Esq., Attorney for Defendant in Error,

614 Colman Building, Seattle, Washington,

[1*]

United States District Court, Western District of
Washington, Northern Division.

November Term, 1920.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

*Page-number appearing at foot of page of original certified Transcript of Record.

Complaint.

COMES now the United States of America, by Robert C. Saunders, United States Attorney for the Western District of Washington, and Charlotte Kolmitz, Assistant United States Attorney for said District, and for cause of action against the above-named defendant, Olaf O. Hana, respectfully shows the Court and alleges, as follows:

I.

That "H. B. Lovejoy" is a steamship of American register, plying in the trade between British Columbia in the Dominion of Canada, and the west coast of the United States.

II.

During the matters and times set forth in this complaint, Olaf O. Hana was, and is now, the master of the American steamship "H. B. Lovejoy."

III.

During the voyage complained of, the American steamship "H. B. Lovejoy" left the city of Vancouver, British Columbia, arriving at Seattle, in the Northern Division of the Western District of Washington, and within the jurisdiction of this court, on the 31st of January, 1921. [2]

IV.

On the voyage heretofore mentioned, the said American steamship "H. B. Lovejoy" was in ballast.

V.

After arrival within the waters of the United States and within this district and division, the said

defendant, Olaf O. Hana, as master as aforesaid of the said American steamship "H. B. Lovejoy," filed with the Collector of Customs of the United States at the port of Seattle, Washington, certain manifests and store lists which were then and there claimed and represented by said master and purported to be true, and correct manifests and store lists of all merchandise at that time on board said steamship. Thereafter, at the port of Seattle, the customs officers of the United States found upon said steamship the following described merchandise of the following value, to wit:

24 quart bottles of whiskey,

2½ pint bottles of beer, and

1 quart bottle of wine, total value . . . \$73.50, making a total valuation of said merchandise in the sum of seventy-three and 50/100 dollars (\$73.50); that said merchandise and no part thereof was shown, included or described in the said manifests or store lists, or in any of them.

VI.

The said merchandise referred to and described in paragraph V hereof was brought into the United States in the said steamship "H. B. Lovejoy," from a foreign port, to wit, the port of Vancouver, in the Province of British Columbia, Dominion of Canada, and was not included or described in any manifest or store list hereinabove referred to and for which said merchandise [3] there was no manifest or store list on board said steamship agreeing therewith.

VII.

A complaint having been made to the Collector of Customs of the United States at the port of Seattle, Washington, by the Inspector discovering the merchandise hereinabove described, upon due notice the said Collector of Customs heretofore, on, to wit, the 31st day of January, 1921, assessed against and imposed upon the said defendant, Olaf O. Hana, master of the said American steamship "H. B. Lovejoy," a penalty equal to the value of such merchandise, that is to say, a penalty in the sum of Seventy-three Dollars and Fifty Cents (\$73.50).

VIII.

That the said defendant has failed and refused and does fail and refuse to pay said sum of Seventy-three and 50/100 Dollars (\$73.50) imposed and assessed as a penalty as aforesaid, although demand therefor has heretofore been made by the said Collector of Customs.

IX.

That by reason of the matters and facts herein set forth, the said defendant Olaf O. Hana is liable to the United States of America to a penalty in the sum of Seventy-three and 50/100 Dollars (\$73.50).

WHEREFORE, plaintiff prays that it do have and recover of and from the said defendant the said sum of Seventy-three and 50/100 (\$73.50), together with all of its statutory and [4] other costs and expenses incurred in this action.

ROBT. C. SAUNDERS,

United States Attorney.

CHARLOTTE KOLMITZ,

Assistant United States Attorney.

United States of America,
Western District of Washington,
Northern Division,—ss.

Charlotte Kolmitz, being first duly sworn, on her oath deposes and says: That she is Assistant United States Attorney for the Western District of Washington; that she has read the foregoing complaint, knows the contents thereof, and that the same is true as she verily believes.

CHARLOTTE KOLMITZ.

Subscribed and sworn to before me this 7th day of February, A. D. 1921.

[Seal U. S. District Court]

FRANK L. CROSBY, Jr.,
Deputy Clerk U. S. District Court, Western District
of Washington.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Feb. 7, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [5]

In the District Court of the United States for the
Western District of Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

Demurrer.

The defendant demurs to the complaint in the above-entitled action on the ground that it does not state sufficient facts to constitute a cause of action against him.

BRONSON, ROBINSON & JONES,
Attorneys for Defendant.

POINTS AND AUTHORITIES.

This action is apparently brought under Section 2809, R. S., which reads as follows:

“Sec. 2809. (PENALTY FOR FAILURE TO HAVE A CORRECT MANIFEST.) If any merchandise is brought into the United States in any vessel whatever from any foreign port without having such a manifest on board, or which shall not be included or described in the manifest, or shall not agree therewith, the master shall be liable to a penalty equal to the value of such merchandise not included in such manifest; and all such merchandise not included in the manifest belonging or consigned to the master, mate, officers or crew of such vessel, shall be forfeited.”

The point which we desire to raise is, that the alleged unmanifested articles, that is, whiskey, beer and wine, are not “merchandise” within the meaning and object of the above section.

It will be noted that the said section provides for forfeiture of the unmanifested merchandise.

But section 3074, R. S., provides in a mandatory way that all forfeited articles shall be appraised, and

section 3077, R. S., provides in an equally mandatory way that after notice all forfeited [6] articles shall be sold at public auction.

Therefore, the term "merchandise" used in Section 2809 cannot include articles which are wholly contraband, and which cannot be lawfully sold, else the Collector would be required by the Statutes to do an unlawful act.

It is our contention that the term merchandise means articles which are the subject of lawful traffic, and we note that this court has so held very recently, and has further held this with reference to analogous sections of the Customs statutes.

See The "Good Hope," 268 Fed. 694.

BRONSON, ROBINSON & JONES,

Attorneys for Defendant.

Due service of a copy hereof admitted this 18th day of February, 1921.

ROBERT C. SAUNDERS,

Atty. for U. S.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Feb. 18, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [7]

In the District Court of the United States for the
Western District of Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

Decision.

Feb. 25, 1921 (Filed).

It is alleged that the "H. B. Lovejoy," a steamship of American register entered the Port of Seattle from the City of Vancouver, B. C., and filed with the Collector of Customs what purported to be a manifest and store list of all merchandise at that time on board of the steamship. Thereafter the customs officer found on the steamship 24 quart bottles of whiskey, $2\frac{1}{2}$ pint bottles of beer and one quart bottle of wine, total value \$73.50; that upon complaint and after due notice the Collector of Customs on January 31, 1921, assessed against the defendant, master of the steamship, a penalty equal to the value of the "merchandise," and that he has refused to pay and recovery is sought together with the costs. The defendant demurs to the complaint on the ground it does not state sufficient facts to constitute a cause of action.

ROBERT C. SAUNDERS, U. S. Atty., and CHARLOTTE KOLMITZ, Asst. U. S. Atty., Attorneys for Plaintiff.

BRONSON, ROBINSON & JONES, Attorneys for Defendant.

NETERER, District Judge.

The Government bases its action on Sec. 2809, Rev. Stat., and insists that beer and wine are “merchandise” within the meaning of this section. The defendant contends that the unmanifested articles, whiskey, beer and wine are not “merchandise”; that the articles are clearly contraband, and since under Sec. 2809, *supra*, not manifest they must be [8] forfeited and that all forfeited articles must be appraised, Sec. 3074, R. S., and after notice must be sold at public auction, Sec. 3077, R. S., and that this Court in *The Good Hope*, 268 Fed. 694, concluded this issue in his favor. It was there held that under the Prohibition Act, intoxicating liquor may be imported for nonbeverage purposes, but to have a legal status as merchandise, it must come into the United States in harmony with the provisions of the Prohibition Act, which requires as a prerequisite a permit from the Commissioner, and it was said at page 695:

“No permit having been issued, it could not be tendered at the Custom-house. It was contraband the instant it came into the United States, and the vessel carrying it was subject to forfeiture under Sec. 26, Act, *supra*.”

In order for an article to be called merchandise, it must be an object of trade and commerce. United

States vs. One Sorrel Horse, 27 Fed. Cases, 315. The classing of the wine, beer and whiskey as merchandise under the facts stated is out of harmony with the National Prohibition Act and all of the provisions of the revenue laws, which provide that property seized and forfeited shall be sold at public auction by the Collector. This manifestly could not be done, and as pointed out in *The Good Hope, supra*, there is other provision of statute which provides for penalizing just such attempted importation, and such provision is exclusive.

The demurrer is sustained.

NETERER,
Judge.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Feb. 25, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [9]

United States District Court, Western District of
Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

Petition for Reargument.

COMES now the plaintiff and respectfully petitions this Court for a reargument and reconsideration of defendant's demurrer for the reason and upon the ground that the Court in its memorandum decision filed February 25, 1921, sustained defendant's demurrer, basing its decision on the Goodhope case which in turn seems to have been based largely upon the opinion of the Circuit Court of Appeals in the case of *United States vs. One Ford Automobile*, 262 Fed. 374. Since the decision in the Goodhope case, the Circuit Court of Appeals for the Second Circuit has, to all intents and purposes, reversed itself, in the case of *Feathers of Wild Birds vs. United States*, 267 Fed. 964. Further, that the Court did not take into consideration the provisions of Section 27, Title II of the National Prohibition Act, which provides that a Court order may be taken for the sale of forfeited liquor to persons holding permits to purchase, the liquor thereupon becoming a legitimate article of commerce, in accordance with the provisions of the said National Prohibition Act and the regulations of the Commissioner of Internal Revenue.

ROBT. C. SAUNDERS,
United States Attorney,
CHARLOTTE KOLMITZ,
Assistant United States Attorney.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern

Division. May 26, 1921. F. M. Harshberger, Clerk.
By S. E. Leitch, Deputy. [10]

In the United States District Court for the Western
District of Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

Decision.

Filed June 6, 1921.

ROBERT C. SAUNDERS, U. S. Atty., and
CHARLOTTE KOLMITZ, Asst. U. S. Atty.,
Attorneys for Plaintiff.

BRONSON, ROBINSON & JONES, Attorneys for
Defendant.

NETERER, District Judge.

The petition for rehearing is denied. The Good Hope, 268 Fed. 694, is not modified by Feathers of Wild Birds vs. U. S., 267 Fed. 694, nor does this case modify the United States vs. One Ford Automobile, 262 Fed. 374, cited in the Good Hope. The Court in the "Feathers" case quotes from the "One Ford" case and says * * * "The statute is complete and it makes no reference to any other statute which could give rise to a right of action

for forfeiture of the vehicle of transportation and we cannot add to the punishment already inflicted upon Tourville, the forfeiture of his automobile.”

The Circuit Court of Appeals in this circuit in *United States vs. Sischo*, 270 Fed. 958, endorses what was said in *The Good Hope*.

NETERER,

Judge.

[Endorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Jun. 6, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [11]

United States District Court, Western District of
Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

Judgment.

BE IT REMEMBERED that this matter came on heretofore and on the 21st day of Feb., 1921, duly and regularly for hearing upon the demurrer of the defendant to the complaint of the plaintiff, the plaintiff appearing by Charlotte Kolnitz, Assistant United States Attorney for the Western District of Washington, and the defendant by his at-

torneys, Bronson, Robinson & Jones, and the matter being duly presented to the Court by the attorneys for the respective parties, and the Court having considered said demurrer and that said demurrer was well taken and should be sustained, directs that the demurrer so filed by the defendant to the complaint of the plaintiff be sustained.

And the plaintiff subsequent thereto having filed its petition for reargument and said petition having heretofore come on for hearing on the 26th day of May, 1921, duly and regularly, and the said Court having heard said petition denied the same.

And the plaintiff subsequent thereto having failed to amend its complaint or to present any further, other or additional applications for a reconsideration of the order so made by the Court sustaining said demurrer, and the plaintiff electing to stand upon its complaint and refusing to plead further.
[12]

NOW, THEN, upon motion of the defendant for judgment, it is by the Court ORDERED, ADJUDGED AND DECREED that the plaintiff take nothing by reason of its alleged cause of action herein as against the defendant, and that this action as against the defendant be, and it is hereby, dismissed, and that the defendant go hence without day, to all of which the plaintiff has excepted and exception is allowed.

Done in open court this 14th day of July, 1921.

JEREMIAH NETERER,

Judge.

O. K. as to form.

BRONSON, ROBINSON & JONES,
Attys. for Deft.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Jul. 14, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [13]

United States District Court, Western District of
Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,
Plaintiff,
vs.
OLAF O. HANA,
Defendant.

Petition for Writ of Error.

Comes now the United States of America, plaintiff in the above-entitled cause, and feeling aggrieved by the final judgment herein entered on the 14th day of July, 1921, petitions this Court for an order allowing it to prosecute a writ of error to the United States Circuit Court of Appeals for the Ninth Circuit, and according to the laws of the United States in that behalf made and provided, there to correct certain errors committed to the prejudice of the said plaintiff, which more in detail appear from the assignment of errors filed with this petition, and prays that a writ of error issue out of said Court

of Appeals, for the correction of the error so complained of, and that the transcript of the record and proceedings and papers in this cause, duly authenticated, may be sent to said Court of Appeals.

ROBERT C. SAUNDERS,

United States Attorney,

CHARLOTTE KOLMITZ,

Assistant United States Attorney,

Attorneys for Plaintiff.

O.K.—BRONSON, ROBINSON & JONES.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Jul. 14, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [14]

United States District Court, Western District of
Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

Assignment of Errors.

Comes now the plaintiff, United States of America, by and through Robert C. Saunders, United States District Attorney, and files the following assignment of errors upon which he will rely upon his appeal from the judgment made by this Honor-

able Court on the 14th day of July, 1921, in the above-entitled cause.

I.

That the United States District Court for the Western District of Washington, Northern Division, erred in sustaining the demurrer of the defendants to the complaint of the plaintiff herein.

II.

The said District Court erred in dismissing said action.

ROBERT C. SAUNDERS,
United States Attorney.

CHARLOTTE KOLMITZ,
Assistant United States Attorney.

Copy of above received.

BRONSON, ROBINSON & JONES,
For Deft.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Jul. 14, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [15]

United States District Court, Western District of
Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

Order Allowing Writ of Error.

Comes the plaintiff, United States of America, by its attorneys, and files herein and presents to the Court its petition praying for the allowance of a writ of error on assignment of error intended to be urged, and praying also that a transcript of record and proceedings, upon which the judgment herein was rendered, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings be had as may be proper in the premises. Now, on consideration thereof, the Court does hereby allow the writ of error prayed for.

Dated this 14th day of July, 1921.

JEREMIAH NETERER,
United States District Judge.

Copy of above received.

BRONSON, ROBINSON & JONES,
Attys. for Deft.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Jul. 14, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [16]

United States District Court, Western District of
Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

**Admission of Service of Petition for Writ of Error,
etc.**

Due, timely and regular service, together with the receipt of copies thereof, of the plaintiff's petition for writ of error, or order allowing writ of error, and praecipe for transcript of record is hereby admitted this 13th day of July, 1921.

BRONSON, ROBINSON & JONES,

Attorneys for the Defendant.

Received a copy of the within this 13th day of July, 1921.

BRONSON, ROBINSON & JONES,

Attorneys for the Defendant.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Jul. 14, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [17]

United States District Court, Western District of
Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

Praeipie for Transcript of Record.

To the Clerk of the Above-entitled Court:

You will please prepare a typewritten transcript of record in the above-entitled cause on writ of error, and file the same in the United States Circuit Court of Appeals for the Ninth Circuit, said record to comprise the following papers:

1. Complaint.
2. Demurrer.
3. Memorandum decision.
4. Petition for reargument.
5. Memorandum decision on petition for reargument.
6. Judgment.
7. Petition for writ of error.
8. Assignment of errors.
9. Order allowing writ of error.
10. Admission of service.
11. Praeipie for transcript of record.

ROBT. C. SAUNDERS,

United States Attorney.

CHARLOTTE KOLMITZ,

Assistant United States Attorney. [18]

We waive the provisions of the Act approved February 13, 1911, and direct that you forward typewritten transcript to the Circuit Court of Appeals for printing, as provided under rule 105 of this Court.

ROBERT C. SAUNDERS,
United States Attorney,
CHARLOTTE KOLMITZ,
Assistant United States Attorney,
Attorneys for Plaintiff.

We hereby acknowledge service of copy of the foregoing praecipe, waive the right to request the insertion of any other matters than those incorporated in the foregoing praecipe, and stipulate that the proceedings, papers, orders and documents included in said praecipe constitute a full and sufficient record upon writ of error.

BRONSON, ROBINSON & JONES,
Attorneys for Defendant.

[Indorsed]: Filed in the United States District Court, Western District of Washington, Northern Division. Jul. 14, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy. [19]

United States District Court, Western District of
Washington, Northern Division.

No. 5853.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OLAF O. HANA,

Defendant.

**Certificate of Clerk U. S. District Court to Transcript
of Record.**

United States of America,
Western District of Washington,—ss.

I, F. M. Harshberger, Clerk of the United States District Court for the Western District of Washington, do hereby certify this typewritten transcript of record consisting of pages numbered from 1 to 19, inclusive, to be a full, true, correct and complete copy of so much of the record, papers, and other proceedings in the above and foregoing-entitled cause, as is required by praecipe of counsel filed and shown herein, as the same remain of record and on file in the office of the clerk of said District Court, and that the same constitute the record on return to writ of error herein, from the judgment of the said United States District Court for the Western District of Washington to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify the following to be a full, true and correct statement of all expenses and costs in-

curred in my office on behalf of the appellant for making record, certificate or return to the United States Circuit Court of Appeals for the Ninth Circuit in the above-entitled cause, to wit:

Clerk's fees (Sec. 828, R. S. U. S.), for making record, certificate or return, 42 folios at 15c.....	\$6.30
Certificate of clerk to transcript of record, 4 folios at 15c.....	.60
Seal to said certificate.....	.20

[20]

I hereby certify that the above cost for preparing and certifying record, amounting to \$7.10, will be included in my quarterly account to the Government of fees and emoluments for the quarter ending September 30th, 1921.

I further certify that I hereto attach and herewith transmit the original citation, and original writ of error issued in this cause, together with acceptance of service thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court at Seattle, in said District, this 26th day of July, A. D. 1921.

[Seal]	F. M. HARSHBERGER,
Clerk of United States District Court, Western District of Washington. [21]	

In the United States Circuit Court of Appeals for
the Ninth Circuit.

No. —.

UNITED STATES OF AMERICA,

Plaintiff in Error,

vs.

OLAF O. HANA,

Defendant in Error.

Writ of Error.

The United States of America,—ss.

The President of the United States of America, to
the Honorable Judges of the District Court of
the United States for the Western District of
Washington, Northern Division, GREETING:

Because in the record and proceedings, as also in
the rendition of the judgment of a plea which is in
said District Court, before the Honorable Jeremiah
Neterer, between United States of America, the
plaintiff in error, and Olaf O. Hana, the defendant
in error, a manifest error hath happened to the
prejudice and great damage of United States of
America, plaintiff in error, as by its complaint and
petition herein appears, and we being willing that
error, if any hath been, should be duly corrected,
and full and speedy justice done to the party afore-
said in this behalf, DO COMMAND YOU, if judg-
ment be therein given, that under your seal, dis-
tinctly and openly, you send the record and proceed-
ings with all things concerning the same, to the
United States Circuit Court of Appeals for the

Ninth Circuit, at the City of San Francisco, State of California, together with this writ, so that you have the same at said City of San Francisco within thirty days from the date hereof, in said Circuit Court of Appeals to be then and there held, that the record and proceedings aforesaid being then and [22] there inspected, said United States Circuit Court of Appeals may cause further to be done therein to correct the error what of right, and according to the laws and customs of the United States of America, should be done in the premises.

WITNESS the Honorable EDWARD DOUGLASS WHITE, Chief Justice of the United States, this 14th day of July, 1921, and the year of the Independence of the United States one hundred and forty-fourth.

[Seal]

F. M. HARSHBERGER,

Clerk of the District Court of the United States for the Western District of Washington.

Acceptance of service of within writ of error acknowledged this 13th day of July, 1921.

BRONSON, ROBINSON & JONES,

Attorneys for Defendant in Error. [23]

[Endorsed]: No. 5853. In the District Court of the United States for the Western District of Washington, Northern Division. United States vs. Olaf O. Hana. Writ of Error. Filed in the United States District Court, Western District of Washington, Northern Division. Jul. 14, 1921. F. M. Harshberger, Clerk. By S. E. Leitch, Deputy.

In the United States Circuit Court of Appeals for
the Ninth Circuit.

No. —.

UNITED STATES OF AMERICA,

Plaintiff in Error,

vs.

OLAF O. HANA,

Defendant in Error.

Citation on Writ of Error.

The United States of America,—ss.

The President of the United States of America, to
BRONSON, ROBINSON & JONES, Attorneys
for Defendant in Error, GREETING:

You are hereby cited and admonished to be and appear before the United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, in the State of California, within thirty days from the date hereof, pursuant to a writ of error filed in the Clerk's office of the District Court of the United States for the Western District of Washington, Northern Division, wherein the United States of America is plaintiff in error, and Olaf O. Hana is defendant in error, to show cause, if any there be, why judgment in the said writ of error mentioned should not be corrected and speedy justice should not be done to the party in that behalf.

WITNESS the Honorable JEREMIAH NETERER, Judge of the District Court of the United

States for the Western District of Washington,
Northern Division, this 14th day of July, 1921.

JEREMIAH NETERER,

United States District Judge.

[Seal] (Attest:) F. M. HARSHBERGER,
Clerk of the District Court of the United States,
for the Western District of Washington, North-
ern Division. [24]

[Endorsed]: No. 5853. In the District Court of
the United States for the Western District of Wash-
ington, Northern Division. United States vs. Olaf
O. Hana. Citation on Writ of Error. Filed in the
United States District Court, Western District of
Washington, Northern Division. Jul. 14, 1921.
F. M. Harshberger, Clerk. By S. E. Leitch, Deputy.

[Endorsed]: No. 3727. United States Circuit
Court of Appeals for the Ninth Circuit. The
United States of America, Plaintiff in Error, vs.
Olaf O. Hana, Defendant in Error. Transcript of
Record. Upon Writ of Error to the United States
District Court of the Western District of Wash-
ington, Northern Division.

Filed July 29, 1921.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.

